

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

LE PIZE Q.E. MONTGOMERY,

Plaintiff,

v.

**MARK CUNNEEN, MR. HART,
C. CHESTER, M. PUCKETT,
and J. WELLS.**

Defendants.

No. 10-0380-DRH

ORDER

HERNDON, Chief Judge:

Pending before the Court is Plaintiff's motion to proceed *in forma pauperis* (Doc. 2). Plaintiff, a former inmate with the Bureau of Prisons, brings this ***Bivens*** cause of action against Mark Cunneen, Mr. Hart, C. Chester, M. Puckett, and J. Wells pursuant to 28 U.S.C. § 1331 (Doc. 1).¹

A civil action wherein jurisdiction is not founded solely on diversity of citizenship may, except as otherwise provided by law, be brought only in (1) a judicial district where any defendant resides, if all defendants reside in the same State, (2) a judicial district in which a substantial

¹Montgomery's complaint alleges that Cunneen is the Community Correction Manager located in Chicago, that Hart is the Program Director at the Salvation Army Correctional Center of Chicago, that Chester is the Warden at Leavenworth Federal Prison, that Puckett is a Case Manager at Leavenworth and that Wells is the RDAP Program Director at Leavenworth.

part of the events or omissions giving rise to the claim occurred, or a substantial part of property that is the subject of the action is situated, or (3) a judicial district in which any defendant may be found, if there is no district in which the action may otherwise be brought.

28 U.S.C. § 1391(b).

None of the alleged events occurred within the Southern District of Illinois. At the time of the alleged events, Plaintiff was housed at the Salvation Army Correctional Center in Chicago, located in Cook County, Illinois. Most of the events occurred at either the Salvation Army Correctional Center of Chicago, the M.C.C. of Chicago or Leavenworth Federal Prison Camp. Cook County is situated in the federal district for the Northern District of Illinois, Eastern Division. **28 U.S.C. § 93.** The Court finds that the Northern District of Illinois is the appropriate forum for hearing and determination of this action because some of the Defendants are located there and most of the alleged events took place there. Furthermore, it appears that Montgomery did not intend to file suit in this District as his complaint, motion to proceed *in forma pauperis* and motion to appoint counsel contain the Northern District of Illinois, Eastern Division in the captions. Pursuant to 28 U.S.C. § 1404(a), and on the Court's own motion,

IT IS THEREFORE ORDERED that this action is **TRANSFERRED** to the United States District Court for the District Court of Northern Illinois, Eastern Division, for a determination as to whether Plaintiff should be granted leave to proceed *in forma pauperis*, 28 U.S.C. § 1915, and such further proceedings as that court may deem appropriate. No summons shall issue in this action unless so

directed by the transferee court.

IT IS SO ORDERED.

Signed this 29th day of November, 2010.

  David R. Herndon
2010.11.29 12:16:47
-06'00'

**Chief Judge
United States District Court**